

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

THE GENERAL LAND OFFICE OF §
THE STATE OF TEXAS, and §
GEORGE P. BUSH, in his official §
Capacity as Commissioner of the §
Texas General Land Office, §

Plaintiffs, §

v. §

JOSEPH R. BIDEN, in his official §
capacity as President of the United §
States of America; UNITED STATES §
DEPARTMENT OF HOMELAND §
SECURITY; and ALEJANDRO §
MAYORKAS, in his official capacity §
as Secretary of the United States §
Department of Homeland Security, §

Defendants §

Civil Action No. 7:21-CV-00272

THE STATE OF MISSOURI; and §
THE STATE OF TEXAS, §

Plaintiffs, §

v. §

JOSEPH R. BIDEN, JR. in his official §
capacity as President of the United §
States of America; THE UNITED §
STATES OF AMERICA; §
ALEJANDRO N. MAYORKAS, in his §
official capacity as Secretary of the §
United States Department of §
Homeland Security UNITED STATES §
DEPARTMENT OF HOMELAND §
SECURITY; TROY A. MILLER, in his §
official capacity as the Acting §
Commissioner of the United States §
Border Protection; and UNITED §

Civil Action No. 7:21-CV-00420
(formerly No. 6:21-cv-00052)

STATES CUSTOMS AND BORDER	§
PROTECTION,	§
United States Department of	§
Homeland Security; UNITED	§
STATES DEPARTMENT OF	§
HOMELAND SECURITY; TROY A.	§
MILLER, in his official capacity as the	§
Acting Commissioner of the United	§
States Border Protection; and	§
UNITED STATES CUSTOMS AND	§
BORDER PROTECTION,	§
	§
Defendants	§

DIAMOND A RANCH, WESTERN DIVISION L.L.C. AND GUADALUPE RANCH CORPORATION MOTION FOR A BRIEFING AND ARGUMENT SCHEDULE

The Diamond A Ranch, Western Division L.L.C. and Guadalupe Ranch Corporation (together, the “Ranch”) move for an argument and briefing schedule on their pending Motion to Intervene [Docket No. 154] (the “Motion to Intervene”). The Ranch proposes that the schedule for its Motion to Intervene be the same as that proposed in Plaintiffs’ and Defendants’ Joint Motion for Entry of Final Judgment and for Briefing Schedule, submitted on April 10, 2024 [Docket No. 150] (the “Joint Motion”), and that the arguments in the Motion to Intervene related to this Court’s March 8, 2024 order be heard on their merits.

The Ranch’s Motion to Intervene does not currently have a briefing schedule or a hearing date. The Ranch’s dispute with the Department of Homeland Security (the “DHS”) is centered on the manner of construction on Ranch property in Arizona and has been in litigation with the DHS in the District of Columbia since 2020 (predating this matter). Notwithstanding the ongoing settlement discussions with DHS, the Ranch was not made aware that this proceeding could prejudice its rights until March 26, 2024, when the DHS informed it that this Court’s Order would prevent a settlement of the Ranch’s case against it. Recognizing that the current proceeding was

in its last stages before this Court, the Ranch moved promptly to file its Motion to Intervene to address the Ranch's concerns until approximately two weeks later, on April 11.

Meanwhile, the Plaintiffs and Defendants negotiated and filed the Joint Motion, seeking a schedule to resolve a dispute over the otherwise agreed scope of injunctive relief. The Court has set a hearing on the Joint Motion and proposed briefing schedule for April 17.

As things stand, the Ranch's Motion to Intervene and the Plaintiffs' and Defendants' Joint Motion are not on the same schedule. The Ranch urges that they be brought into coordination so that consideration of the Ranch's Motion to Intervene and raise its merits arguments does not need to delay resolution of the dispute between Plaintiffs and Defendants.

The schedule proposed in the Joint Motion offers an opportunity to do that. It calls for briefing on the Joint Motion to begin on April 24 and end on May 15. The Ranch can conform to this schedule and believes the other Parties can do the same. The Ranch has already raised its position on the merits in its Motion to Intervene, filed on April 11. [See e.g., Docket No. 154]. The Ranch suggests a schedule in which Plaintiffs and Defendants respond to the Ranch's motion in full on May 1 and in which the Ranch's reply relating to its request for clarification or modification of the Injunction is due on May 15. This, or some similar schedule would put the resolution of Ranch's Motion to Intervene on the same timetable as the dispute between Plaintiff and Defendant over the scope of injunctive relief.

For the same reasons of efficiency and coordination, the Ranch suggests that the scheduled briefing address (1) whether to permit intervention and (2) whether to clarify or modify the Order as requested by the Ranch. There is no reason to separate the two, since the Ranch's proposed intervention is limited to seeking clarification or modification of the Order, and it has already submitted its argument in support of clarification. Bifurcation of the two issues would simply

draw out the proceedings unnecessarily. (Counsel for the Department of Homeland Security suggested when we conferred with them that we rely on the local rules for intervention, which would have their response due on May 2 and our response due May 8; the Ranch has no objection to the schedule but is filing to make clear its view that any briefing should cover the merits of the relief sought on intervention.)

The Court has set a hearing on the Joint Motion for April 17, 2024. The Ranch requests that it be permitted to participate in that hearing to answer any questions or address any objections to this motion.

Dated: April 15, 2024

Respectfully submitted,

STEPTOE LLP

/s/ Larry R. Veselka

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***Attorneys for Diamond A Ranch, Western Division
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CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2024, I electronically filed a copy of the foregoing motion. Notice of this filing will be sent via email to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's CM/ECF System.

/s/ Larry R. Veselka
Larry R. Veselka

CERTIFICATE OF CONFERENCE

I certify that, on April 15, 2024, I emailed counsel for Plaintiffs and counsel for Defendants regarding the relief requested herein. Counsel for the DHS advised that it did not believe the above motion to be necessary. As of the filing of this motion, the remaining parties have not responded.

/s/ Stewart A. Baker
Stewart A. Baker

CERTIFICATE OF WORD COUNT

I certify that the total number of words in this motion, exclusive of the matters designated for omission, is 1172 words, as counted by Microsoft Word.

/s/ Larry R. Veselka
Larry R. Veselka